

Attorney Docket No. 030901 / SI.0029.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1755

Examiner: Michael A. Marcheschi

GLASS-LIKE
POLYSACCHARIDESIn re application of:
Koutlakis, *et al.*

Serial No.: 10/757,266

Filed: January 14, 2004

DECLARATION OF GEORGE KOUTLAKIS
UNDER 37 C.F.R. § 1.132Hon. Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

I, George Koutlakis, declare and state as follows:

1. I am an inventor or co-inventor of the invention described in one or more claims of U.S. Patent Application Serial No. 10/757,266.
2. I am employed as Director of Product Development and Technical Services (Archer Daniels Midland (ADM) Corn Processing) for Archer Daniels Midland Oglvie, the assignee of record of the above-identified patent application.
3. I attended Dawson College in Montreal, Quebec, Canada from 1974 through 1977 and was awarded a degree in Health Sciences. I have been employed in the general area of Carbohydrate Chemistry since 1979. From 1979

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to the present, I have been employed by ADM in various product development positions in the area of polysaccharide chemistry. From 1988 till 2002, I held the post of Technical Director responsible for Technical Services as well as Product Development focusing on the areas of starch and protein based products for Archer Daniels Midland Ogilvie, a division of ADM focusing on wheat starch and protein. Since 2002, I have been Director of Product Development and Technical Services for Archer Daniels Midland Ogilvie, Archer Daniels Midland Corn Processing. As of March 16th 2006, I was appointed Director of Product Development and Technical Service for Lysac (a newly acquired company manufacturing super absorbents using starch via extrusion). At the present time, I have over 20 scientists reporting to me at three different Archer Daniels Midland locations. On the forgoing basis, I submit that I am an expert in the field in polysaccharides, especially with regard to blasting, grinding and milling applications.

4. I have reviewed and I am an inventor of U.S. Patent 6,159,257 to Koutlakis *et al.* (hereinafter, Koutlakis). I have also reviewed U.S. Patent No. 5,367,068 to Lane *et al.* (hereinafter, Lane), U.S. Patent Application No. 2001/0027623 to Rosenflantz, and U.S. Patent No. 6,491,239 to Blanton *et al.*

5. I am informed and believe that an Office Action was mailed on or about November 23, 2005, regarding U.S. Patent Application 10/757,266. I am informed and believe that claims 15-32 are rejected under 35 U.S.C. § 103(a) as assertedly being obvious in light of Koutlakis and Rosenflantz (U.S. Patent

Application No. 2001/0027623) and further in view of Blanton *et al.* (U.S. Patent No. 6,491,239).

6. Further, I am informed and believe that claims 15, 17, 18, 20, 22, 24, 26, and 28-32 are rejected under 35 U.S.C. § 103(a) for assertedly being obvious in light of Lane *et al.* in light of Rosenflantz (U.S. Patent Application No. 2001/0027623) and Blanton *et al.* (U.S. Patent No. 6,491,239).

7. Also, further, I am informed and believe that claims 16, 19, 21, 23, 25, and 27-32 are rejected under 35 U.S.C. § 103(a) for assertedly being obvious in light of Lane, in view of Koutlakis, *supra*, and further in light of Rosenflantz (U.S. Patent Application No. 2001/0027623) and Blanton *et al.* (U.S. Patent No. 6,491,239).

8. Based upon my understanding of the field of polysaccharides, which include applications for using the same, one of ordinary skill in the art would not be motivated to use the information disclosed in Koutlakis or Lane to arrive at the agitating media claimed in the pending application. It is my opinion that the blasting medium described in Koutlakis and Lane could not be used as an agitating medium since it would clump too much to be used in such a manner. Also, large glass-like polysaccharides could not be used in blasting applications because the hard pellets would destroy the substrate.

9. The disclosure of US Patent Application Serial No. 10/757,266 is the first to suggest that glass-like polysaccharides are useful in any other application besides blasting. Further, as one of ordinary skill in the art, the use of glass-like

polysaccharides in any other application besides blasting would not be appreciated by an ordinarily skilled artisan. For instance, blasting media and agitating media are not generally equivalent or even scalable, and the size of an agitating medium is only one of multiple variables that must be considered along with hardness, the shape of the medium, and a variety of other factors. Further, the polysaccharide material disclosed in Koutlakis and Lane is entirely unsuitable for tumbling applications that require agitating media.

10. As one of skill in the art, I had no reason to believe (nor would anyone else in the field) that the composition disclosed in Koutlakis or Lane could be modified in any manner which would make it useful for agitating media. It was only through a surprising discovery disclosed in US Patent Application Serial No. 10/757,266 that polysaccharide materials could be used as a tumbling media.

11. I further declare that all statements made herein are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.


George Koutlakis

April 20, 2006
Date